



R. Scott Thompson

Member of the Firm

Tel 973 597 2532

Fax 973 597 2533

sthompson@lowenstein.com

June 8, 2011

VIA CM/ECF & FEDEX

Hon. Madeline Cox Arleo, U.S.M.J.
United States District Court
District of New Jersey
M.L. King, Jr. Federal Building & Courthouse
50 Walnut Street
Newark, New Jersey 07101

Re: BanxCorp v. Bankrate, Inc., Civil Action No. 07-3398 (SDW-MCA)

Dear Judge Arleo:

This firm represents defendant Bankrate, Inc. in the referenced matter. I am enclosing a proposed form of order revising sections 1, 7 and 8 of the Scheduling Order dated October 8, 2011. The revisions in this proposed order reflect the discussions held at the status conference yesterday, during which the parties agreed to the proposed revisions.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "R. Scott Thompson".

R. Scott Thompson

Enclosure

cc: Mordechai Lipkis, Esq. (via ECF and email) (w/enc.)
Lawrence Hersh, Esq. (via ECF and email) (w/enc.)

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

BANXCORP,

Plaintiff,

vs.

BANKRATE, INC.,

Defendant.

Document Electronically Filed

Civil Action No. 07-3398

**ORDER EXTENDING
DISCOVERY SCHEDULE**

The above matter having been opened to the Court by Lowenstein Sandler, PC, attorneys for Defendant Bankrate, Inc. ("Bankrate"), upon application for an Order extending the period for discovery in this case, and the parties having appeared and consented in open court to the matters set forth below, and for good cause shown,

It is on this _____ day of June, 2011,

ORDERED that the Pretrial Scheduling Order entered in this case on October 8, 2010 is amended as follows:

Paragraph 1 is amended in its entirety in accordance with the parties' agreement on the record on June 7, 2011 as follows:

(a) Except as set forth in subparagraphs (b) and (c) hereof, fact discovery is closed as of **June 7, 2011**.

(b) Defendant Bankrate shall be allowed to take the deposition of Plaintiff BanxCorp's owner and CEO Norbert Mehl concerning the matters set forth in my April 4, 2011 Order (including all aspects of BanxCorp's retention and production of documents in this case) on **June 15, 2011**. Bankrate shall have the right to raise with this Court any alleged deficiencies in BanxCorp's document production no later than **June 22, 2011**.

(c) Fact discovery shall remain open until **August 31, 2011** solely for the purposes of (1) eliciting deposition testimony, (2) third-party discovery, (3) amendments to R. 26 disclosures, and (4) resolution of any issues raised in any motion made pursuant to subparagraph (b) above, unless extended by order of this Court.

(d) The provisions of this amended scheduling order shall apply without regard for the pending motion to dismiss the Fourth Amended Complaint, and the deadlines set forth herein shall apply irrespective of the outcome of that motion to dismiss. No additional discovery requests, and no motions concerning any discovery requests, shall be permitted from this point forward except in connection with subsections (b) and (c) above.

Paragraph 7: Affirmative expert reports shall be delivered by **September 30, 2011**, with depositions of those experts to be taken and completed **within twenty (20) days of receipt of report**.

Paragraph 8: All responding reports shall be delivered by **October 15, 2011**, with depositions of those experts to be taken and completed **within twenty (20) days of receipt of report**.

IT IS FURTHER ORDERED that all remaining provisions of the October 8, 2010 Pretrial Scheduling Order, including all other portions of Paragraphs 1, 7 and 8, shall remain unchanged and in full force and effect.

Hon. Madeline Cox Arleo, U.S.M.J.